

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**AGENDA FOR  
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS  
TUESDAY, AUGUST 30, 2005  
9:00 A.M.**

**AND**

**SPECIAL COUNCIL MEETING/COUNCIL WORK SESSION  
COUNCIL/STAFF QUESTION AND ANSWER SESSION  
COUNCIL CHAMBERS  
MONDAY, AUGUST 29, 2005  
4:00 P.M.**

**ROLL CALL**

Invocation – Pastor Ponce L. Brown  
Pledge of Allegiance

**CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/city\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/city_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

**NOTICE TO THE PUBLIC**

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

**CONSENT AGENDA**

- 1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of August 23, 2005 and Special City Council Meetings of July 22, August 22 (Agenda Review)

**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:****3. RESOLUTIONS:**

- 3A.** That the City Manager be authorized to sign a Memorandum of Understanding to amend the Articles of Agreement between the City and Local 51, International Association of Firefighters for the contract period covering September 1, 2005 through September 30, 2006. [City Manager, Joyce A. Wilson, (915) 541-4844]
- 3B.** That the Mayor be authorized to sign an application and related documents on behalf of the City of El Paso to apply for the designation of El Paso as a *Preserve America* Community. [Community and Human Development, Nathalie Prise (915) 541-4241]
- 3C.** That, in accordance with a August 19, 2005 recommendation by the Economic and Community Development Legislative Review Committee, City Council adopt the policies and priorities for the 32<sup>nd</sup> Year (2006-2007) Community Development Block Grant (CDBG) Program and for the Fiscal Year 2006 Emergency Shelter Grant (ESG) Program; that City Council establish November 21, 2005, as the deadline for the submission of all CDBG Social Service application packets and ESG application packets; and December 9, 2005, as the deadline for submission of all neighborhood association and citizen request forms; and that City Council establish January 13, 2006, as the final deadline for the submission of 32<sup>nd</sup> Year CDBG Housing, Micro-enterprise Technical Assistance, Planning, Public Facilities and City Department application packets. **(Citywide)**  
[Community and Human Development, Nathalie Prise (915) 541-4241]
- 3D.** To establish a policy governing contact between the Mayor and City Council Representatives and proponents seeking or reasonably expected to seek economic development incentives from or through the City of El Paso.  
[Economic Development, David G. Dobson, (915) 541-4674]
- 3E.** That the City Manager be authorized to sign an Overhead Electrical Easement which would allow the El Paso Electric Company to provide overhead electrical service to the Barcelona Estates located within Section 45, Block 79, Township 2, El Paso, El Paso County, Texas. **(District 5)**  
[Engineering Department, Rick Conner, (915) 541-4200]
- 3F.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **CHIEF STREET OPERATIONS OFFICER** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5432**. The Grade is **PM 80**.  
Salary Range: \$44,152.34 - \$66,598.92 (PM 80)  
Fund Source: 32010159-01101-32000  
[Human Resources, Linda B. Thomas, (915) 541-4509]
- 3G.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **OMBUDSMAN** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5936**. The Grade is **PM 80**.  
Salary Range: \$44,152.34 - \$66,598.92 (PM 80)  
Fund Source: 33010034-01101-33000  
[Human Resources, Linda B. Thomas, (915) 541-4509]

- 3H.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **BUSINESS AND CUSTOMER SERVICE MANAGER** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5398**. The Grade is **EX G**.  
Salary Range: \$59,942.63 - \$94,206.47 (EX G)  
Fund Source: 33010034-01101-33000  
[Human Resources, Linda B. Thomas, (915) 541-4509]
- 3I.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **DEPUTY DIRECTOR – BUILDING PERMITS AND INSPECTIONS** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5410**. The Grade is **EX E**.  
Salary Range: \$67,421.27 - \$106,034.39 (EX E)  
Fund Source: 36010318-01101-36000  
[Human Resources, Linda B. Thomas, (915) 541-4509]
- 3J.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **DEVELOPMENT SERVICES DIRECTOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5408**. The Grade is **EX A**.  
Salary Range: \$85,348.79 - \$134,304.71 (EX A)  
Fund Source: 33010034-0101-33000  
[Human Resources, Linda B. Thomas, (915) 541-4509]
- 3K.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **ENVIRONMENTAL SERVICES DIRECTOR** is hereby revised as specified in the duties and responsibilities attached hereto. The Code shall remain **5418**. The Grade is **EX C**.  
Salary Range: \$75,848.26 - \$119,341.06 (EX C)  
Fund Source: 34380034-40450-34000  
[Human Resources, Linda B. Thomas, (915) 541-4509]
- 3L.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **ENVIRONMENTAL SERVICES ASSISTANT DIRECTOR** is hereby revised as specified in the duties and responsibilities attached hereto. The Code is **5420**. The Grade is **EX E**.  
Salary Range: \$67,421.27 - \$106,034.39 (EX E)  
Fund Source: 34010289-40403-34000  
[Human Resources, Linda B. Thomas, (915) 541-4509]
- 3M.** That the new Eastside Regional Library be officially named the Esperanza Acosta Moreno Regional Branch in honor of her years of dedicated support of library services to the citizens of El Paso (**District 5**).  
[Library, Carol A. Brey-Casiano, (915) 541-4941]
- 3N.** That the Council approves the report presented by the Police Department regarding the effects of the curfew ordinance and its impact on juveniles, crime and crime victims and finds that the ordinance should continue in its present form. [Police Department, Assistant Chief Paul Cross, (915) 564-7310]

4. **REINSTATEMENT:** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

Sosa, Roberto – Police Officer  
[Police Department, Assistant Chief, Paul Cross, 564-7310]

5. **BOARD RE-APPOINTMENTS:**

Carla Newman to the Historic Landmark Commission by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

6. **BOARD APPOINTMENT:**

H. Homero Galicia to the Public Utility Regulation Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

7. **RESIDENTIAL STREET LIGHT(S):** Approve installation, power, and maintenance of residential street light(s) at the following location(s):

- 7A. Between 418 & 414 El Camino \$2400.00 (District 8)

Estimated cost is \$2,400.00. Funding source to be provided from District #8 Discretionary Account Council Special Project (Department ID #04200401, Fund # 29211, Project#PMB0005011, Acct. #508009) District #8.  
[Representative Beto O'Rourke, (915) 541-4268]

- 7B. Between 435 El Camino & 313 El Castillo \$2400.00 (District 8)

Estimated cost is \$2,400.00. Funding source to be provided from District 8's Discretionary Account Council Special Project (Department ID #04200401, Fund # 29211, Project#PMB0005011, Acct. #508009) District #8.  
[Representative Beto O'Rourke, (915) 541-4268]

8. **CHANGE ORDERS:** [Purchasing Department, Byron Johnson, (915) 541-4308]

- 8A. Approve Change Order No. Ten (Scope Change) to F. T. James Construction Inc. for Contract No. 2004-214, McKelligon Canyon Park Improvements Project for an increased amount of \$29,000.00. This Change Order will not increase contract time. It is requested that the City Manager and City staff be authorized to execute budget transfers for this change order, as necessary.

The purpose of this change order is to construct a fabric canopy for the exterior dining area. The work described under this change order will be funded by 2000 QOL bond appropriations.

Location: 1400 McKelligon Canyon Rd.

- 8B. Approve Change Order No. Eleven (Scope Change) to F.T. James Construction, Inc. for Contract No. 2004-214, McKelligon Canyon Park Improvements Project for an increased amount of \$80,000.00. This Change Order will increase contract time 90 days. It is requested that the City Manager and City staff be authorized to execute budget transfers for this change order, as necessary.

The purpose of this change order is to construct a scene shop building. The work described under this change order will be funded by 2000 QOL bond appropriations. This project was scheduled for completion on September 15, 2005 prior to this change order. The new completion date is December 14, 2005.

Location: 1400 McKelligon Canyon Rd.

- 8C.** Approve Change Order No. Six (Construction Change) to Matyear Construction Co., Inc. for Contract No. 2005-075, Montwood Heights Park Improvements Project for an increased amount of \$29,188.20. This Change Order will not increase contract time. It is requested that the City Manager and City staff be authorized to execute budget transfers for this change order, as necessary.

The purpose of this change order is to construct a new 24' x 24' metal shelter over the Park's picnic table area. The work described under this change order will be funded by 2000 QOL bond appropriations. This project is scheduled for completion on September 8, 2005.

Location: 12598 Windermere St.

- 9.** Request that the Director of Purchasing be authorized to issue Purchase Order(s) to CMI, Inc., in the amount of \$72,330.00, as they are the manufacturer and the sole provider of the 5000EN Intoxilyzer. The 5000EN Intoxilyzer is the only instrument available for new purchase on the list of breath test instruments certified by the Texas Department of Public Safety, Breach Alcohol Testing Program.

Additionally, it is requested that staff be authorized to negotiate, Legal to review and that the City Manager be authorized to sign any and all additional documents and/or agreements as necessary

Department: Police

Funds available in: 508007-29209-04200401-PMB0005009

Funding Source: 2004 Capital Acquisition (Public Safety)

Amount: \$72,330.00

District(s): All

Sole Source No: 2005-272

[Barbara Crumley, Procurement Analyst at 541-4315]

- 10.** Request that the Director of Purchasing be authorized to exercise the City's option to purchase additional quantities pursuant to the terms of Contract No. 2005-156C1 for "Herbicides and other Agents", with Helena Chemical Co.

Department(s): Department of Aviation

Funds Available: 62620003-503121-40101

Funding Source: Airport Operating Funds

Item(s): Item 3

Award Amount: \$20,360.00

District(s): 3

[Enrique Acosta, Jr., Procurement Analyst at 541-4267]

- 11. BEST VALUE PROCUREMENT:** [Purchasing Department, Byron Johnson, (915) 541-4308]

This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids.

Solicitation No: 2005-228

Location:

Contractor:

South El Paso Senior Center Restrooms Renovation

600 S. Ochoa St

B X W Electrical Rebuilders, Inc.

El Paso Texas

Department:

Funds Available:

Parks & Recreation

71150069-G7130CD0018-07800-508027

Funding Source:	Community Development Grant	
Items:	Base Bid	\$14,750.00
	Alternate No.1	\$ 9,460.00
	Alternate No.2	\$ 9,130.00
	Alternate No.3	\$ 5,500.00

Total Award:	\$38,840.00
District(s):	8

**RECOMMENDATION:**

The Departments of Engineering and Parks & Recreation, recommend the award of this contract to B X W Electrical Rebuilders, Inc., as this Offeror has provided the Best Value Proposal. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

**12. BID:** [Jesus M. Juarez, Procurement Analyst at 541-4317]

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

Solicitation No.	2005-240	Paper Sundries
Award to:		Laun-Dry Supply
		El Paso, Texas
Item(s):		#1
Amount:		\$40,000.00 (estimated annually)

Department:	Building Maintenance
Funds available:	31010326-503111-01101
Funding source:	Building Maintenance General Operating Funds
Total award:	\$120,000.00 (estimated)
<b>District (s):</b>	<b>All</b>

The Building Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

**13. BUDGET TRANSFERS:** [Office of Management and Budget, David Almonte, (915) 541-4011]**13A. BT2005-1507 AIRPORT**

Transfer of funds to cover the cost of water for the Lone Star Golf Course while the water well is being repaired/replaced.

Increase	\$85,000	to	62620012/40101/504101	Water
Increase	\$85,000	to	62620012/40101/407001	IntrafndTrnsfln
Increase	\$85,000	to	62620018/P50000241021/407002	EstRevenue
Increase	\$85,000	to	62620018/P50000241021/507001	IntrafndTrnsfO

**13B. BT2005-1511 MAYOR & COUNCIL**

Increase to budget for EP Economic Summit.

Increase	\$23,500	to	01150088/G01050207332/405060	Donations
Increase	\$18,500	to	01150088/G01050207332/503115	Food&Bev
Increase	\$ 5,000	to	01150088/G01050207332/502215	ContractsNOC

**13C. BT2005-1513 BUILDING & PLANNING SERVICES**

Building and Planning Services proposes to appropriate \$5,604.40 to the Airway Blvd project. Funding source is a refund from TxDOT. D3

Increase	\$5,604.40	to	31131001/PPW003500827074/406001	StateGrntProc
Increase	\$5,604.40	to	31131001/PPW003500827074/508027	Construction

**13D. BT2005-1515 BUILDING & PLANNING SERVICES**

Building and Planning Services proposes to appropriate \$15,600 received from EPISD as reimbursement for the flasher installation at Dr. Green Elementary School. D1

Increase	\$15,600	to	31255005/PPW005227691/405067	ReimbExp
Increase	\$15,600	to	31255005/PPW005227691/508027	Construction

**13E. BT2005-1525 BUILDING & PLANNING SERVICES**

Building and Planning Services proposes to appropriate \$60,000 for Northwest Traffic Study. Funding source is 1995A GOs. D1 and D8

Decrease	\$ 1,509.66	from	31130101/PPW000826136/508027	Construction
Decrease	\$50,249.49	from	31130101/PPW000826136/508026	Inspections
Decrease	\$ 8,240.85	from	31130101/PPW000826136/508024	Testing
Increase	\$60,000.00	to	31130101/PST05004/26136/508016	CntrctclDesign

**13F. BT2005-1530 BUILDING & PLANNING SERVICES**

Building and Planning Services proposes to transfer \$3,840 from Parks Contingency to Edgemere Median Park for trees at Edgemere Median Park. D3

Decrease	\$3,840	from	31130600/PQLPA17760176/504405	OperCntngncy
Increase	\$3,840	to	31130600/PQLPA17760176/507001	IntrafndTrnsfU
Increase	\$3,840	to	31130550/PPW0046030YR260033/407001	IntrafndTrnsfS
Increase	\$3,840	to	31130550/PPW0046030YR260033/508027	Construction

**13G. BT2005-1534 FLEET SERVICES**

Appropriation increase requested to cover fuel expenditures for FY2005 due to unexpected high fuel prices.

Increase	\$250,000	to	37370510/45202/503124	FuelInventory
Increase	\$250,000	to	37370510/45202/404352	Fuel&LubChrg

**13H. BT2005-1536 BUILDING & PLANNING SERVICES**

Building and Planning Services proposes to appropriate \$90,000 for a project called Fire Station 20. Funding source is 2001 CO's. D3

Decrease	\$ 7,500	from	31250202/PPW000219027210/508051	PrgmMngmt
Decrease	\$82,500	from	31250202/PPW000219027210/508050	Design
Increase	\$ 2,300	to	31250202/PFI0500227210/508024	Testing
Increase	\$ 500	to	31250202/PFI0500227210/508022	Administration
Increase	\$87,200	to	31250202/PFI0500227210/508027	Construction

**14. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:**

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

- 14A.** Melissa Valverde to use amplification (1 microphone and 1 speaker) at Tom Lea (Upper) Park – 900 Rim Rd on September 4, 2005 from 2:00 p.m. to 5:00 p.m. for a wedding. Approximately 2 persons will take part and 100 spectators are anticipated. PERMIT # 05-118 [Melissa Valverde] **(District 1)**

NO OBJECTIONS FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 14B.** Austin High School to hold a homecoming parade on September 9, 2005 from 5:00 p.m. to 6:30 p.m. Route: Start at Newman Park on Richmond and Altura, proceed on Altura to Stevens, turn left on Stevens and finish at McKee Stadium. Approximately 180 persons, 21 vehicles will take part and 150 spectators are anticipated. PERMIT NO. 05-110 [Norma Genera] **(District 2)**

NO OBJECTIONS FROM FIRE, SUN METRO, AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 8 OFFICERS AND 8 VEHICLES. ESTIMATED COST TO CITY: \$319.50 ESTIMATED COST TO APPLICANT: \$280.50. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 14C.** Eastwood High School to hold a homecoming parade on September 8, 2005 from 6:30 p.m. to 8:00 p.m. Route: Start at the Great American Land & Cattle – 2220 N Yarbrough to Camwood, turn left on Camwood to Montwood, turn left on Montwood to Linum, turn right on Linum and finish at Trooper Stadium. Approximately 500 persons, 30 vehicles, 5 animals will take part and 5,000 spectators are anticipated. PERMIT NO. 05-109 [Deby Lewis] **(District 7)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 12 OFFICERS AND 12 VEHICLES. ESTIMATED COST TO CITY: \$426.00 ESTIMATED COST TO APPLICANT: \$774.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 14D.** UTEP Army ROTC to hold a 5K Run on October 22, 2005 from 7:30 p.m. to 8:30 p.m. Route: Start on Baltimore to Oregon, turn right on Oregon to University, turn right on University to Hawthorne, turn right on Hawthorne to Kerbey, turn right on Kerbey to Circle Dr, turn left on Circle Dr to Hawthorne, turn right on Hawthorne to Rim, turn right on Rim to Wiggins, turn right on Wiggins to University, turn left on University to Sun Bowl, turn right on Sun Bowl to Baltimore, turn right on Baltimore and finish at the starting point. Approximately 200 persons will take part and 50 spectators are anticipated.

PERMIT NO. 05-108 [Captain Jesus Silerio] **(Districts 1 and 8)**



NO OBJECTIONS FROM FIRE, SUN METRO, AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 3 OFFICERS AND 3 VEHICLES. ESTIMATED COST TO CITY: \$125.00 ESTIMATED COST TO APPLICANT: \$25.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 14E.** El Paso Powerhouse Church to use amplification (2 speakers, 1 amplifier, and 2 microphones) at Tula Irrobali Park-601 S. Park on September 3, 2005 from 6:30 p.m. to 9:00 p.m. for a rally. Approximately 20 persons will take part and 50 spectators are anticipated. PERMIT # 05-115 [James Williams] **(District 8)**  
NO OBJECTIONS FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

### **REGULAR AGENDA**

**15. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.  
Public comments are invited at the date of the scheduled public hearing.**

- 15A.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking prohibited at all times on certain streets) to add a new location on Charles Schulte from Sun Country Drive to Zaragoza Road, both sides. The Penalty being as provided in Section 12.84.010 Of The El Paso Municipal Code. **(District 6)**  
[Engineering Department, Traffic Division, Ted Marquez 541-4035]
- 15B.** An ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to adopt amended salary schedules to reflect the pay increases adopted in the Fiscal Year 2006 Budget Resolutions.  
[Human Resources, Linda B. Thomas, (915) 541-4509]
- 15C.** An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, to amend Rule 5 in its entirety, to revise the manner in which certain increases in employee compensation are made and to clarify language and make appropriate grammatical changes in the rule.  
[Human Resources, Linda B. Thomas, (915) 541-4509]

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 13, 2005 FOR ITEMS 15A –15C**

**16. BUILDING PERMITS AND INSPECTIONS:**

[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

Discussion and action on a Resolution that the Mayor be authorized to execute an agreement between the City of El Paso and OpSanta, Inc., for the Operation Santa Claus parade and presentation of toys to El Paso children on December 9, 2005, which constitutes an important public purpose of benefit to the City and citizens of El Paso; and under the terms of which agreement the City will provide the necessary funds to cover the costs of the on-duty police traffic-control assistance, not to exceed thirty-four (34) on-duty police officers and thirty-four (34) vehicles for the parade.

**17. APPLICATION FOR USE OF CITY PARKS/STREETS & SIDEWALKS:**

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

Operation Santa Claus to hold a toy delivery parade on December 9, 2005 from 1:00 p.m. to 3:00 p.m. Route: Start at Pleasonton/Chelsea gate, proceed on Chelsea to Paisano, continue on Paisano to St Vrain, turn left on St Vrain to Sixth St, turn right on Sixth St to Florence and finish at the Boys & Girls Club – 801 S Florence St. Streets blocked will be Sixth St between Ochoa and Campbell, Florence between Seventh and Fr Rahm and Ochoa between Seventh and Fr Rahm. Approximately 150 persons, 25 vehicles will take part and 150 spectators are anticipated. This request includes permission to use amplification (1 amp and 2 speakers). Request waiver of fees for the necessary police traffic assistance for a parade. Signed affidavit submitted.

PERMIT # 05-092 [SFC James Prim] **(Districts 3 and 8)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. TX DOT FORM LETTER. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 34 OFFICERS AND 34 VEHICLES. ESTIMATED COST TO CITY: \$532.50 ESTIMATED COST TO APPLICANT: \$3717.50. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

**18. PUBLIC HEARINGS – CITY MANAGER:** [City Manager, Joyce A. Wilson, (915) 541-4844]

- 18A.** An Ordinance amending Title 2 (Administration and Personnel), to create Chapter 2.110 (City Organizational Structure) and Sections thereunder in the El Paso City Code to create and establish the functions of the Department known as the City Manager's Office; the Bureaus within the Department: Development and Infrastructure Services, Financial and Administrative Services and Quality of Life Services; and to create and establish the Departments that report to the Deputy City Managers: Environmental Services, Development Services, and General Services and Financial Services/CFO; to establish other Departmental Reporting and Subordinate Bureaus; and to repeal Ordinance No. 15863.
- 18B.** An Ordinance repealing Ordinance 15876, which created the Building and Planning Services Department.
- 18C.** An Ordinance repealing Ordinance 15878, which created the Financial and Administrative Services Department.
- 18D.** An Ordinance repealing Ordinance 15879, which created the Quality of Life Services Department.
- 18E.** An Ordinance repealing Ordinance 15877, which created the Municipal Services Department and designating an official to perform the functions set forth within the City's ordinances, resolutions and legal documents as being assigned to the Department or its Director.
- 18F.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs) to Section 2.40.010 (Department-Creation-Functions), of the El Paso City Code to change the name of the Department to the Department of Museums and Cultural Affairs and to provide for establishment of Divisions within the Department.

- 18G.** An Ordinance amending the El Paso City Code to substitute the term “General Services Department” for the term “Fleet Services Department”; to substitute the term “Department of Museums and Cultural Affairs” for the term “Arts and Culture Department”; to substitute the term “Planning Department” for the term “Department of Planning, Research and Development”; to substitute the term “Department of Environmental Services” for the term “Department of Solid Waste Management”; to substitute the term “Department of Financial Services/CFO” for the term “Purchasing Department” at all places in the Code where such terms appear.
- 18H.** An Ordinance amending the El Paso City Code to substitute the term “General Services Director” for the term “Fleet Services Director”; to substitute the term “Environmental Services Director” for the term “Solid Waste Management Director”; to substitute the term “Museums and Cultural Affairs Director” for the term “Arts and Culture Director”; to substitute the term “Planning Director” for the term “Director of Planning, Research and Development” at all places in the Code where such terms appear; to substitute the term “Deputy Director—Building Permits and Inspections” for the term “Assistant Director, Building Permits and Inspections Department” in 2.88.060 of the City Code; and to clarify that the Director of Building Permits and Inspections includes the designation of Building Official; and that the Chief Financial Officer shall be the Comptroller.
- 18I.** An Ordinance amending the El Paso City Code to add and designate the Enforcement Authority of the Department of Environmental Services and the Development Services Department and their Directors and Designees.
- 18J.** An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions) to Section 20.04.070 (Development Services) of the El Paso City Code to transfer certain duties and functions to the Development Services Department; the penalty being as provided in Section 20.68.010 of the El Paso City Code.
- 18K.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.08 (Junked Vehicles) to Sections 9.08.010 (Declared Nuisance), 9.08.030 (Abatement), 9.08.050 (Enforcement Authority), and 9.08.060 (Enforcement) of the El Paso City Code to transfer the duties and administration for junked vehicles to the Department of Environmental Services; the penalty being as provided in Section 9.08.070 of the El Paso City Code.
- 18L.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.04 (General Provisions), Section. 19.04.190 A 1 (Enforcement, Violations and Penalties) to provide that the City Manager shall make the designation of the Chief Enforcement Official for the Enforcement of Title 19; the penalty being as provided in Section 19.04.190 of the El Paso City Code.
- 18M.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.04 (General Provisions and Definitions), Section 12.04.190 (Traffic Engineer) to provide that the City Manager shall have authority to designate the Traffic Engineer for the City; the penalty being as provided in Sections 1.08.010 to 1.08.030 of the El Paso City Code.
- 18N.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Section 20.02.848 (Traffic Engineer) to provide that the City Manager may make an alternate designation of the Traffic Department and Engineer; the penalty being as provided in Section 20.68.010 of the El Paso City Code.

- 18O.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.60 (Flood Damage Prevention), Section 18.60.420 (Designation of the Floodplain Administrator), Section 18.60.430 (Duties and Responsibilities of the Floodplain Administrator), Section 18.60.440 (Duties and Responsibilities of the City Engineer) and Section 18.60.450 (Duties and Responsibilities of the Street Director) of the El Paso City Code.
- 18P.** An Ordinance establishing the manner in which the fees charged by the City will be set; to repeal all conflicting Ordinances or Ordinance Provisions; and to continue certain Ordinances and Provisions relating to fines, fees and penalties in effect in the El Paso City Code.
- 18Q.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Environmental Services); to rename the Chapter; to amend Section 9.04.010 (Purpose and Creation of Department); Section 9.04.030 6, 7 (Definitions); Section 9.04.400 (Collection, Service and Transportation Fees), Section 9.04.410 (Permit Fees); Section 9.04.420 (Disposal Fees); Section 9.04.430 (Nonpayment of Fees); and Section 9.04.450 (Solid Waste Management Fund and Equipment Subfund); to establish the Environmental Services Department; to revise definitions; to revise the calculation of the Senior and Disabled Citizens discount; to create an Environmental Service Fee and Landfill Spillage Fee; and to remove the fee schedules and establish criteria and guidelines for the setting of fees; the penalty being as provided in Section 9.04.390 of the City Code.
- 18R.** An Ordinance amending Title 13 (Streets, Sidewalks & Public Places), Chapter 13.24 (City Parks & Recreation Areas), to rename Subsection 13.24.200 (Parks & Recreation Fee Authorization) of the El Paso City Code and to remove the Fee Schedules and to establish Guidelines and Criteria for the charging of fees for facility rentals, activities, programs and general services offered by the Parks & Recreation Department.
- 18S.** An Ordinance amending Title 13 (Streets, Sidewalks & Public Places), Chapter 13.25 (El Paso Zoo), to rename Subsection 13.25.010 (El Paso Zoo Fees) of the El Paso City Code and remove the listed fees and to establish Guidelines and Criteria for the charging of fees at the Zoo and repeal of Subsection 13.25.015.
- 19. PUBLIC HEARINGS – ENGINEERING DEPARTMENT, TRAFFIC DIVISION:**  
[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]
- 19A.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow-Away Zone), Subsection A. Prohibiting Parking or Standing of Vehicles at any time inclusive of Sundays and Holidays, of the El Paso City Code, to add a new location on Tierra Este Drive, From Montana Avenue (US 62/180) to Zaragoza Road (FM 659), both sides. The penalty being as provided in Section 12.88.180 (F) of the El Paso Municipal Code. **(District 5)**
- 19B.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso City Code, to temporarily reduce the speed on Interstate Highway 10 in certain Sections. The penalty for violation being as provided in Section 12.84.010 of the El Paso City Code. **(District 1)**

- 19C.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), of the El Paso City Code, to amend Section 12.88.150 (Schedule XIV, Speed Limits), to add, delete or modify the Speed Limits of 35 M.P.H., 40 M.P.H., and 45 M.P.H. on various streets. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(Districts - All)**
- 19D.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), to add Section 12.88.081 (Schedule VIIIA - Common Carrier Passenger Route). **(Districts - All)**
- 19E.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), of The El Paso Municipal Code, to add Zone K: No Parking 7:00 a.m. - 4:00 p.m., School Days Only. The penalty being as provided in Section 12.85.110 (Violation-Penalty) of the El Paso Municipal Code and as set by Resolution of the City Council on January 13, 2004. **(District 5)**
- 19F.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Schedule IV - Parking Prohibited During Certain Hours on Certain Streets), Paragraph 12.88.040 (J) (No Parking, 7:00 a.m. to 4:00 p.m.), subparagraph 12.88.040 (J)(5), La Subida Drive, from Monte Mar Place to a Point 114 Feet West of Andalucia Drive, Southside only, to reduce the distance for which parking is prohibited. The penalty for violation of same as provided in Section 12.85.110 of the El Paso City Code and as set by Resolution of the City Council on January 13, 2004. **(District 7)**
- 20. PUBLIC HEARING – FINANCIAL AND ADMINISTRATIVE SERVICES**  
[Deputy City Manager, Administrative Support, William Studer, (915) 541-4011]
- An ordinance levying 2006 taxes.
- 21. PUBLIC HEARING – HUMAN RESOURCES:**  
[Human Resources, Linda B. Thomas, (915) 541-4509]
- An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 16, Hearings, to expedite the conduct of the hearings, to change the procedures for requesting and granting a continuance and to change the invocation of the rule for the hearings.
- 22. PUBLIC HEARING – PLANNING, RESEARCH AND DEVELOPMENT:**
- 22A.** An Ordinance granting a Special Privilege to O.P.E.P. Incorporated to temporarily close a portion of Ochoa Street between First Avenue and Paisano Drive on Sunday, September 4, 2005 through Monday, September 5, 2005 for a "Foam Party Celebration" and on Monday, October 31, 2005 through Tuesday, November 1, 2005 for a "Halloween Block Party". (Fee: \$275.00, SP-05017) **(District 8)**  
[Planning Research and Development, Esther Guerrero, (915) 541-4720]
- 22B.** An Ordinance granting Special Permit No. ZON05-00038, to allow for a parking reduction on the property described as Lots 1 through 5 and a portion of Lot 6, Block 106 ½, Highland Park Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Plaza Properties. ZON05-00038 **(District 2)** POSTPONED FROM 07/26/05, 07/19/05 AND 8/23/05 [Planning, Research and Development, Christina Valles, (915) 541-4930]

- 22C.** An Ordinance changing the zoning of the North 138.00 feet of Lot 9 and the West half of Lot 10, Block 7, North Loop Gardens Unit 1, El Paso, El Paso County, Texas from A-2 (Apartment) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Eduardo and Adriana Barboza. Location: 510 East Road. ZON05-00029 (**District 7**)

**NOTE: THIS IS AN APPEAL CASE.** POSTPONED FROM 8/23/05

[Planning, Research and Development, Christina Valles, (915) 541-4930]

- 22D.** An Ordinance changing the zoning of Tract 2A, Block 1, Ysleta Grant and Tract 3B, Block 56, Ysleta Grant, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Ben L. Ivey LTD. Location: 700-900 Blocks of Americas Blvd. ZON05-00055 (**District 6**) POSTPONED FROM 8/23/05

[Planning, Research and Development, Christina Valles, (915) 541-4930]

**23. PUBLIC HEARINGS/BIDS– PURCHASING:**

[Purchasing Department, Byron Johnson, (915) 541-4308]

- 23A.** Public Hearing to make a determination by City Council that Spartan Construction Services Inc., is not a responsible bidder on The Indian Place Street & Drainage Improvements, Bid No. 2005-207.

On Wednesday July 13, 2005 bids were opened for The Indian Place Street & Drainage Improvements, solicitation number 2005-207. Upon completion and review of the official bid tabulation for the subject project, it was determined that the apparent low bidder was Spartan Construction Services Inc.

Spartan Construction presented insufficient information in regards to experience, expertise, and financial capability. It is the opinion of City Staff and the City's design consultant, on The Indian Place Street & Drainage Improvements Project, that Spartan Construction Services Inc., is not a responsible bidder.

After closing of the hearing, staff recommends passage of a motion stating that:

Spartan Construction Services is deemed a non-responsible bidder for bid number 2005-207.

- 23B.** Public Hearing to make a determination by City Council that Spartan Construction Services Inc., is not a responsible bidder on The Ladrillo Street-Street & Drainage Improvements Bid No. 2005-205.

On Wednesday, July 13, 2005 bids were opened for Ladrillo Street-Street & Drainage Improvements, solicitation number 2005-205. Upon completion and review of the official bid tabulation for the subject project, it was determined that the apparent low bidder was Spartan Construction Services Inc.

Spartan Construction presented insufficient information in regards to experience, expertise, and financial capability. It is the opinion of City Staff and the City's design consultant, on The Ladrillo Street-Street & Drainage Improvements Project, that Spartan Construction Services Inc., is not a responsible bidder.

After closing of the hearing staff recommends passage of a motion stating that:Spartan Construction Services is deemed a non-responsible bidder for bid number 2005-205.

Texas Concrete & Asphalt, Inc.  
El Paso, Texas

RECOMMENDATION:

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

- |             |                            |   |
|-------------|----------------------------|---|
| <b>23F.</b> | Solicitation No: 2005-119  | Central Business District Phase III (CBD III)   |
|             | Location:                  | Downtown  |
|             | Contractor:                | J. A. R. Concrete, Inc .<br>El Paso, TX   |
|             | Department:                | Streets   |
|             | Funds Available:<br>(COEP) | 14200403-PPWST03001-29122-508027<br><br>312550022-PPWST03001-27704-508027   |
|             | (TXDOT)<br>Funding Source: | FY3 Certificates of Obligation (20% COEP)<br>Texas Department of Transportation (80%)   |
|             | TXDOT)<br>Items:           | Base Bid I                      \$ 9,937,801.00<br>Base Bid II                     \$ 865,678.00<br>Base Bid III                    \$ 757,986.50<br>Base Bid IV                    \$ 142,656.00 |
|             | Total Award:               | \$11,704,121.50 (estimated)   |
|             | District(s):               | 8   |



**RECOMMENDATION:**

The Departments of Engineering and Streets recommend the award of this contract to J. A. R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

This bid award is conditioned subject to the Transportation Policy Board approval of the expenditure of additional funds of \$2,426,869. If funding is not approved then the City Council must reconsider this item again for action within forty-five (45) days.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

- 24.** Request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for Two (2) additional years, from October 1, 2006 to October 1, 2008 pursuant to the provisions of Contract 2003-205 with Transmountain Oil Company, L.C., El Paso, Texas for Automotive Fuel-Diesel & Unleaded

Option No.: ONE [OF ONE]  
 Amount of Award: \$8,000,000.00 (total two year extension)  
 Account No's: 37370510-503124-45202  
 Funding Source: Fleet Service Internal Service Fund  
 Department: Fleet Service  
 [Jesus M. Juarez, Procurement Analyst, (915) 541-4317]

**25. CITY MANAGER:**

City Manager's report of current events and issues:

- 26.** The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY  
 Section 551.072 DELIBERATION REGARDING REAL PROPERTY  
 Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS  
 Section 551.074 PERSONNEL MATTERS  
 Section 551.076 DELIBERATION REGARDING SECURITY DEVICES  
 Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 26A.** *Patricia Negrete, et al vs. City of El Paso*; Cause No. 2005-2463 in the 120<sup>th</sup> District Court. (551.071) [City Attorney's Office, Jim Martinez, (915) 541-4550]
- 26B.** Discussion, deliberation and action on economic-development related negotiations with a business prospect, and the possible offer of financial or other incentives to the business prospect. (551.087) [City Attorney's Office, John F. Nance, 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

**ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:**

**<http://www.elpasotexas.gov>**